Writ Petition no. 4994 (S/S) of 2001

Dushyant Singh ------- Petitioner

Versus

State of Uttaranchal and others Respondents

Hon'be M.M.Ghildiyal J.

Heard Sri Pankaj Miglani learned counsel for the petitioner and learned Standing Counsel.

The petitioner by means of this writ petition has challenged the order dated 13.10.2001 by which he has been promoted on the post of lecturer from the date he has joined as Lecturer. The petitioner was working as assistant teacher in L.T. grade in Arya Inter College Bahdarabad district Haridwar. One post of lecturer fell vacant on 30.6.1998 due to the retirement of one Sri R.P.Pandey. The petitioner claims promotion on the said post under 50 per cent quota. The Management had not promoted the petitioner on the said post in view of the order of District Inspector of Schools by which he has stated that the post is reserved for schedule caste and will be filled up from the scheduled caste candidates. Aggrieved, the petitioner filed writ petition no.144 of 2000. This court on 8.5.2001 while disposing of the said writ petition held that five posts of lecturer were to be filled by way of promotion, however, the Committee of Management wrongly filled six posts by way of direct recruitment. Consequently the court directed the respondents to terminate junior most and consider the petitioner for promotion on the said post. In pursuance of the said directions of the court the DIOS on 11.10.2001 directed the committee of Management to consider the petitioner for promotion on the post of lecturer. Accordingly, the petitioner was considered and was given promotion on the post of lecturer by the Committee of Management on 13.10.2001. The petitioner joined on the same day as lecturer. It is not disputed that the petitioner is working since then as lecturer in the institution and is getting the salary of lecturer. The grievance of the petitioner is that he should be treated promoted when the post fell vacant, i.e. 30.6.1998 and not from the date of joining and as such he is also entitled to get salary of lecturer from 30.6.1998 when the post fell vacant till 13.10.2001 when the petitioner was actually promoted and

joined on the promoted post. Learned counsel for the petitioner has submitted that this period may also be added for the purpose of seniority. The contention of the petitioner is that he should have been promoted with retrospective effect.

It is not disputed that the petitioner was considered and was given promotion on the post of lecturer by the Committee of Management on 13.10.2001 and since then he is getting salary of lecturer. There is no provision for automatic promotion of a teacher as and when the post of lecturer falls vacant. The petition is misconceived.

For the reasons stated above the writ petition is dismissed. No order as to costs.

(M.M.Ghildiyal, J.)

July 01, 2003
MPS